

# Jungo prevails in federal lawsuit



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RENO — US District Court Judge Robert Jones issued an order on December 7 in which he reinstated Jungo Land & Investment's conditional use permit extension granted by the Regional Planning Commission in February 2010.

The CUP extension was revoked by the Humboldt County Commissioners on an appeal brought by Bob Dolan. Jungo filed suit claiming Dolan did not have standing to appeal the decision by the RPC.

Jones agreed.

**CASE HISTORY:** Jungo applied for and was granted a CUP for the construction of a class 1 landfill in 2007. The CUP required the company to begin construction of the landfill within three years, unless they received an extension from the RPC.

In 2010 Jungo requested and received a five-year extension from the RPC.

Dolan, along with Massey Mayo, appealed the decision to the Commissioners. In the appeal Dolan said he was a user of abutting property and a landfill would impact his use of the land because it would adversely affect the air, water, peace, and contentment of the area.

Jungo objected to Dolan's appeal and pointed out the abutting property was BLM managed without any specific recreational uses.

On that same day, the Humboldt County DA's Office issued a finding that sided with Jungo's: that is, that Dolan lacked standing to bring an appeal.

The Commissioners apparently ignored the advice of the DA's Office, their legal counsel, and moved forward with the hearing.

Ultimately, the Commissioners sided with Dolan and denied Jungo's CUP extension.

**FEDERAL LAWSUIT:** Jungo filed suit claiming Dolan lacked standing to have brought the appeal in the first place.

In the order filed today, Jones examined the issue of standing.

In the order he noted, "... there is no evidence in the record that demonstrates Dolan has any personal property right that has been adversely or substantially affected by the Jungo CUP extension."

He continued and noted Dolan had no property within 25 miles of the proposed site nor did he demonstrate he suffered special damages differing from the public.

Because Dolan did not have standing to appeal, Jones noted, the Humboldt County Commissioners had no jurisdiction to hear the appeal and therefore acted outside of their jurisdiction in revoking the CUP extension.

*While Jungo raised several issues in the lawsuit, only the issue of standing was addressed.*

